

Nurses Act, 1957

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The General Nursing Council for England and Wales

Section

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CHAPTER 15

An Act to consolidate certain enactments relating to nurses and assistant nurses for the sick.

[21st March, 1957]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The General Nursing Council for England and Wales

1.—(1) The body established by section one of the Nurses Registration Act, 1919, by the name of the General Nursing Council for England and Wales shall continue in existence by that name and shall have such powers and duties as are conferred and imposed on them by the following provisions of this Act.

(2) The constitution of the Council shall be that provided by the provisions in that behalf of the First Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to the Council.

The Register of Nurses, the Roll of Assistant Nurses and the List of Persons neither registered nor enrolled

2.—(1) It shall be the duty of the Council—

(a) to maintain, in accordance with rules in that behalf made by them, the register of nurses established in pursuance of the Nurses Registration Act, 1919, which shall consist of—

The register of nurses and the roll of assistant nurses.

(i) a general part containing the names of all nurses who satisfy the conditions of admission thereto;

(ii) a part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases ;

(iii) a part containing the names of nurses trained in the nursing of sick children ; and

(iv) such other parts as may be prescribed ;

(b) to maintain, in accordance with rules in that behalf made by them, the roll of assistant nurses established in pursuance of Part I of the Nurses Act, 1943.

(2) Where a person satisfies the conditions of admission to a part of the register other than the general part, his name may be included in that other part notwithstanding that it is also included in the general part.

(3) A certificate under the seal of the Council duly authenticated stating that a person is, or was at any date, or is not, or was not at any date, duly registered or enrolled shall be evidence in all courts of law of the fact stated in the certificate.

General provisions as to admission to the register and roll.

3.—(1) The Council shall make rules for regulating the conditions of admission to the register and to the roll respectively and the conduct of any examinations which may be prescribed as a condition of admission thereto and any matters ancillary to or connected with any such examinations, and any such rules shall contain provisions—

(a) requiring, as a condition of the admission of any person to the register or the roll, that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in nursing ; and

(b) requiring that the prescribed training shall be carried out either in an institution approved by the Council in that behalf or in the service of the Admiralty, the Army Council or the Air Council.

(2) The Council—

(a) shall make rules under this section enabling persons registered as nurses in Scotland or Northern Ireland or enrolled as assistant nurses there to obtain admission to the register or, as the case may be, the roll ; and

(b) shall, with a view to securing a uniform standard of qualification in all parts of the United Kingdom, consult with the General Nursing Council for Scotland and the Joint Nursing and Midwives Council for Northern Ireland before making rules under this section with respect to the conditions of admission to the register or the roll.

(3) There shall be paid to the Council in respect of every application to be examined or to be registered or enrolled under this Act such fees respectively as the Council may, with the approval of the Minister, from time to time determine.

4.—(1) A person who proves to the satisfaction of the Council that, in a country or territory outside the United Kingdom, he successfully completed his training either generally as a nurse or as a nurse of some special class in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of this subsection, that he underwent his training in an institution so recognised and that he is of good character shall, on making an application in the prescribed manner and on payment of such fee, if any, as may be prescribed, be entitled to be registered in the part of the register appearing to the Council to be appropriate to his case.

Registration
of nurses
trained
abroad.

(2) If, in the case of a person who proves to the satisfaction of the Council that he successfully completed his training either generally as a nurse or as a nurse of some special class in a country or territory outside the United Kingdom but who is unable to prove that his training was in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of the foregoing subsection and that he underwent his training in an institution so recognised, the Council are of opinion that he could properly be registered after undergoing to their satisfaction such further training in the United Kingdom as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that he is of good character, register him if, after undergoing the specified training in the United Kingdom to their satisfaction and passing any specified examinations, he makes, in the prescribed manner, an application in that behalf and pays such fee, if any, as may be prescribed.

5.—(1) It shall be the duty of the Council to maintain, as an appendix to the register, the list established in pursuance of section eighteen of the Nurses Act, 1943, of persons neither registered nor enrolled, who within two years from the passing of that Act applied for admission to the list, being persons who held certificates issued by institutions which appeared to the Council to be satisfactory for the purposes of subsection (2) of that section stating that they completed before the beginning of July, nineteen hundred and twenty-five, a course of training in nursing in the institution and who satisfied the Council that they were of good character and had adequate knowledge and experience of nursing.

The list of
persons
neither
registered nor
enrolled.

(2) The list shall consist of the like parts as those of which the register consists.

(3) A person who is included in any part of the list established in pursuance of section eighteen of the Act of the Parliament of Northern Ireland entitled the Nurses Act (Northern Ireland), 1946, shall be entitled to be admitted to the corresponding part of the list referred to in subsection (1) of this section on production of similar evidence and on payment of the same fees as are required in the case of a nurse registered in Northern Ireland who seeks admission to the register and, on admission, shall be granted a certificate of admission by the Council.

(4) A certificate under the seal of the Council duly authenticated stating that a person is, or was at any date, or is not, or was not at any date, included in the list shall be evidence in all courts of law of the fact stated in the certificate.

Registration
of persons
who are, or
might have
been, included
in the list.

6.—(1) The Council shall make rules providing for the admission to the register, on payment of such fees (if any) as may be prescribed, of—

- (a) persons whose names are included in the list ; and
- (b) persons, other than as aforesaid, who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of July, nineteen hundred and twenty-five, a course of training in nursing in the institution and who satisfy the council that they are of good character and have adequate knowledge and experience of nursing.

(2) A person whose name is included in the list shall, on being admitted to the register, cease to be included in the list, and it shall be the duty of the Council to make the requisite alterations therein.

Removal
from, and
restoration
to, the register,
roll and list.

7.—(1) The Council shall make rules prescribing—

- (a) the causes for which, the conditions under which and the manner in which persons may be removed from the register and the roll respectively ; and
- (b) the procedure for, and the fee to be payable on, the restoration to the register and the roll respectively of persons who have been removed therefrom.

(2) The circumstances in which a name may be removed from the list and the procedure for the removal shall (subject to the making of any necessary modifications in the form of any document) be the same respectively as the circumstances in which a name may be removed from the register and the procedure for such a removal, and the procedure, and the payment and amount of any fee, for the restoration of a name to the list shall (subject as aforesaid) be the same respectively as in the case of the restoration of a person to the register.

(3) The Council may make rules providing for the payment, upon the restoration of persons to the register, the roll or the list (other than those who were registered or enrolled on the relevant date or whose names were included in the list on that date) of such fees in respect of the retention without limit of time of their names on the register, the roll or the list as may be prescribed.

Rules made under this subsection may prescribe different fees in relation to the register, the roll and the list, and rules so made in relation to the register, the roll or the list may prescribe different fees in relation to different circumstances.

(4) A person aggrieved by the removal of his name from the register, the roll or the list may, within three months after the date on which notice is given to him by the appropriate authority that his name has been so removed, appeal against the removal to the High Court, and on any such appeal the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and the order of the High Court shall be final.

(5) In this section—

- (a) the expression “the relevant date”, in relation to the register and the list, means the twenty-fourth day of March, nineteen hundred and fifty, and, in relation to the roll, means the first day of May in that year; and
- (b) the expression “the appropriate authority”, in relation to the register and the list, means the Council and, in relation to the roll, means the Assistant Nurses Committee referred to in the following provisions of this Act:

(6) Nothing in subsection (3) of this section shall affect the power of the Council to remove a person from the register, the roll or the list.

8.—(1) If, with respect to any part of the register (other than Closing of the general part) the Council at any time make a request in parts of the that behalf to the Minister, he may by order direct that, after register. such date as may be specified in the order, no person shall be admitted to that part of the register.

(2) No request under the foregoing subsection shall be made by the Council with respect to the part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases unless the Council are satisfied that means exist whereby members of the public can readily ascertain whether a registered nurse has been so trained, and no such request shall be so made with respect to the part of the register containing the names of nurses trained in the nursing

of sick children unless the Council are satisfied that means exist whereby members of the public can readily ascertain whether a registered nurse has been so trained.

(3) Nothing in this section shall affect the power of the Council to remove a person from, or restore a person to, the register.

Information
with respect
to nurses.

9.—(1) Copies of the register, the roll and the list shall be kept at the office of the Council and shall be open to the inspection of any person without charge during usual business hours.

(2) It shall be the duty of the Council to publish in relation to successive periods, in such manner as the Minister may direct and at intervals of not more than twelve months, lists of persons who have been admitted to, removed from or restored to the register, the roll or the list during those periods.

Certificates,
uniforms and
badges.

10. The Council shall make rules providing for the issue of certificates to persons registered or enrolled and with respect to the uniform or badge which may be worn by persons registered and persons enrolled respectively.

Training of Nurses

Area nurse-
training
committees.

11.—(1) The Minister shall by order constitute, in accordance with the Second Schedule to this Act, a committee (in this Act referred to as an “area nurse-training committee”) for each hospital area; and before making an order under this subsection with respect to any such area the Minister shall consult with the Council.

(2) It shall be the duty of the area nurse-training committee for a hospital area—

- (a) to have constant regard, as respects persons engaged in the area in the training of nurses, to the methods employed by those persons of training nurses;
- (b) to promote, with a view to securing the improvement of methods employed in the area of training nurses, research and investigation into matters relating to the training of nurses, and to render to the Council reports of the results of research and investigation promoted by the committee;
- (c) to advise and assist—
 - (i) Hospital Management Committees appointed by the Regional Hospital Board for the area;
 - (ii) Boards of Governors of teaching hospitals situated in the area; and

(iii) any other authority or person engaged in the area in the training of nurses who makes a request in that behalf to the committee ;

in the preparation and carrying out of schemes for the training of nurses in accordance with any requirements of the Council for the time being in force with respect to the training to be undergone by persons as a condition of their admission to the register or the roll ; and

(d) to advise and, if requested by the Council so to do, to assist the Council in matters relating to the approval by the Council, for the purposes of the training rules, of institutions situated in the area.

(3) An area nurse-training committee may, if authorised by the Council so to do, conduct on their behalf any examination prescribed by rules made by the Council under section three of this Act or specified in a scheme adopted under the next following section.

(4) The supplementary provisions contained in the Second Schedule to this Act shall have effect with respect to area nurse-training committees.

12.—(1) If the Council are of opinion that it would be advantageous that a trial should be made of a scheme of training and examinations to be undergone and passed by persons as a condition of their admission to the register or, as the case may be, the roll, being training and examinations differing from, but appearing to the Council to be no less efficient than, the training and examinations for the time being required by rules made by the Council to be so undergone and passed, they may, with the approval of the Minister, by resolution adopt the scheme for such period as may be specified in the resolution and in relation to such institutions situated in such hospital area as may be so specified, being institutions appearing to the Council to be suitable for the purpose of carrying out the scheme therein.

Experimental
training of
nurses.

(2) A scheme of training and examinations adopted by a resolution of the Council under this section shall provide that, during the period for which it is so adopted, persons who undergo to the satisfaction of the Council, in an institution specified in the resolution adopting the scheme, the training specified in the scheme and who pass the examinations so specified shall, notwithstanding anything in any rules made by the Council, be entitled on making an application in that behalf to be admitted to the register or, as the case may be, the roll, and may contain such incidental and supplementary provisions (including provisions for charging fees in respect of the undergoing of examinations specified in the scheme) as appear to the Council to be requisite or expedient for the purposes of the scheme.

(3) The period for which a scheme of training and examinations is adopted under this section may from time to time be extended by resolution of the Council for such period as may be specified in the resolution.

Expenditure
on nurse-
training by
Hospital
Management
Committees,
&c.

13.—(1) Expenditure by a Hospital Management Committee appointed by the Regional Hospital Board for a hospital area and expenditure by the Board of Governors of a teaching hospital situated in a hospital area, being in each case expenditure—

(a) wholly or mainly for the purposes of, or in connection with, the training of nurses ; and

(b) of such description as the Minister may specify for the purposes of this subsection ;

shall, so far as it is incurred in accordance with estimates approved by the area nurse-training committee for the area, instead of being defrayed in accordance with section fifty-four of the National Health Service Act, 1946, be defrayed by that committee.

(2) Any question arising under the foregoing subsection whether expenditure is such as is mentioned in paragraph (a) thereof shall be determined by the Minister.

Contributions
towards
expenses of
other persons
in respect
of nurse-
training.

14. The area nurse-training committee for a hospital area may make to any authority or person engaged in the area in training nurses (not being a Hospital Management Committee or the Board of Governors of a teaching hospital) contributions towards the expenses incurred by that authority or person in, or in connection with, the training of nurses.

Expenses of
area nurse-
training
committees.

15. All expenses incurred by an area nurse-training committee with the approval of the Council shall be defrayed by the Council.

Settlement of
disputes as
respects
discharge of
area nurse-
training
committees'
functions.

16. Any question arising between the area nurse-training committee for a hospital area and a Hospital Management Committee appointed by the Regional Hospital Board for the area or between the area nurse-training committee for a hospital area and the Board of Governors of a teaching hospital situated in the area, being a question relating to the discharge by the area nurse-training committee of their functions under this Act, shall, in default of agreement, be determined by the Council.

Nurse Tutors

Power of
Council to
prescribe
qualifications
of teachers
of nurses.

17. The Council may make rules providing for the giving of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.

Discharge of certain of Council's Functions through Committees

18.—(1) The Committee of the Council established by section nine of the Nurses Act, 1949, by the name of the Mental Nurses Committee shall continue in existence by that name. The Mental Nurses Committee.

(2) The constitution of the Mental Nurses Committee shall be that provided by the provisions in that behalf of the Third Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to that Committee.

(3) The following matters, namely,—

(a) any matter which wholly or mainly concerns registered mental nurses (other than a question whether a person shall be registered or shall be removed from or restored to the register or a matter arising out of any such question); and

(b) any matter relating to the training of persons for admission to the part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

shall stand referred to the Mental Nurses Committee, and any such question as aforesaid or matter arising thereout, and any other matter, may be referred by the Council to that Committee; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that any matter which stands referred to the Mental Nurses Committee or is referred to them by the Council shall be finally dealt with by the Committee on behalf of the Council if, and in so far as, the Council expressly authorise the Committee to deal finally with it, and the Committee shall make a report to the Council as to the way they have dealt with it.

19.—(1) The Committee of the Council established by section three of the Nurses Act, 1943, by the name of the Assistant Nurses Committee shall continue in existence by that name. The Assistant Nurses Committee.

(2) The constitution of the Assistant Nurses Committee shall be that provided by the provisions in that behalf of the Fourth Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to that Committee.

(3) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Assistant Nurses Committee and any other matter may be referred by the Council to that Committee; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the

Council the matter is urgent, receive and consider the report of the Committee:

Provided that the following matters, that is to say:—

- (a) any question whether a person shall be removed from, or restored to, the roll, and any matter arising out of any such question; and
- (b) any other matter referred to the Assistant Nurses Committee in so far as the Council expressly authorise that Committee to deal with it;

shall be finally dealt with by the Assistant Nurses Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

The finance committee.

20.—(1) The Council shall appoint a finance committee consisting of such number of persons, being members of the Council, as may be prescribed and such persons other than members of the Council (not exceeding two in number) as may be nominated by the Minister, after consultation with the Council, for appointment to the committee.

(2) The term of office of the members of the finance committee shall be such as may be prescribed.

(3) Any matter relating to the discharge by the Council of their functions with respect to the defraying of expenses incurred by area nurse-training committees shall stand referred to the finance committee and any other matter may be referred by the Council to that committee; and the committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the committee.

(4) The Council may make rules for authorising the delegation to the finance committee of any powers of the Council and for regulating the proceedings (including quorum) of that committee.

Miscellaneous Provisions relating to the Council and their Functions

Exercise of Council's powers with respect to approval of training institutions.

21.—(1) If the Council are of opinion that they would be justified in refusing to approve an institution for the purposes of the training rules or in withdrawing approval given by them for those purposes to an institution, they shall give to the persons responsible for the management of the institution a written notice of that fact, stating the grounds on which they have formed their opinion, and shall not proceed to a final determination of the question whether or not to refuse to approve the institution or to withdraw their approval thereof, as the case may be.

until they have afforded to those persons an opportunity to make representations in writing to the Council and, if so required by those persons, to be heard by the Council.

(2) A person aggrieved by the refusal of the Council to approve an institution for the purposes of the training rules or by the withdrawal of approval given by them for those purposes to an institution may, by notice in writing served on the Permanent Secretary to the Lord Chancellor before the expiration of the period of twenty-eight days beginning with the day on which notification of the determination of the Council to refuse or withdraw their approval, as the case may be, is received by the persons responsible for the management of the institution, appeal against the refusal or withdrawal, and, upon receipt of the notice, the Lord Chancellor shall nominate two persons, or more, to determine the matter of the appeal and the persons nominated shall, after considering the matter, give such directions therein to the Council as they think proper and the Council shall comply with them.

It shall be the duty of a person who serves a notice under this subsection on the Permanent Secretary to the Lord Chancellor to serve at the same time a copy thereof on the Council.

(3) The Lord Chancellor may pay to any person nominated by him under the last foregoing subsection such fees and allowances as the Lord Chancellor may, with the consent of the Treasury, determine; and any expenses incurred by the Lord Chancellor under this subsection shall be defrayed out of moneys provided by Parliament.

22.—(1) The Council may charge the persons responsible for the management of institutions approved by the Council for the purposes of the training rules and the persons responsible for the management of institutions the approval whereof by the Council for those purposes is sought by them, not being, in either case, institutions vested in the Minister, such fees respectively, by way of contribution towards the expenses of the Council in inspecting and approving institutions for those purposes, as may be prescribed. Fees and contributions in respect of training institutions.

(2) The Minister may make to the Council, out of moneys provided by Parliament, contributions of such amounts as he may determine towards the expenses of the Council in inspecting and approving for the purposes of the training rules institutions vested in him.

23. The Council may charge for any certificate or other document issued, or in respect of any services performed, by them, such fees as may be prescribed, so, however, that in the case of a certificate of admission to the list issued in any circumstances (other than a certificate issued to a person on his admission thereto by virtue of subsection (3) of section five Power of Council to charge for certificates issued and services performed.

of this Act) there shall not be charged by the Council any fee other than one of the amount for the time being prescribed for a certificate of admission to the register issued in the like circumstances.

Accounts of
the Council.

24. The accounts of the Council shall be audited in such manner, and by such person, as the Minister may from time to time direct, and copies of the accounts, and of any report made thereon, shall be transmitted by the Council to such persons as the Minister may direct.

Annual report
of the
Council.

25. The Council shall annually, at such date as the Minister may direct, make to the Minister a report as to the discharge by them during the preceding year of their functions with respect to the training of nurses, and the Minister shall lay every such report before Parliament.

Expenses of
the Council.

26. All expenses incurred by the Council with the approval of the Minister which are attributable to defraying expenditure incurred by area nurse-training committees (other than expenditure incurred by such committees in conducting examinations on behalf of the Council) shall be defrayed by the Minister out of moneys provided by Parliament, and all other expenses incurred by the Council under this Act shall be defrayed by the Council.

Offences and Penalties

Penalties
for false
assumption
of title of
registered
or enrolled
nurse, &c.

27.—(1) A person who—

- (a) not being a duly registered nurse takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, implying that he is registered or is recognised by law as registered ; or
- (b) being a person whose name is included in any part of the register, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register ; or
- (c) at any time, with intent to deceive, makes use of any certificate of registration issued to him or to any other person ;

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(2) A person who—

- (a) not being a person duly enrolled, takes or uses any name title, addition, description, uniform or badge implying that he is enrolled or is recognised by law as enrolled ;
or

- (b) at any time, with intent to deceive, makes use of any certificate of enrolment issued to him or to any other person ;

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(3) A person who, not being a person whose name is included in the list, takes or uses any name, title, addition or description implying that his name is so included, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(4) A person who—

- (a) being a person whose name is included in any part of the list, says or does anything implying that his name is included in some other part thereof ; or

- (b) at any time, with intent to deceive, makes use of any certificate issued to him or to any other person as a person included in the list ;

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(5) A person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

28.—(1) A person who, not being a duly registered nurse or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds:

Restriction on use of title of nurse and assistant nurse.

Provided that (without prejudice to the provisions of the last foregoing section)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse ;

- (b) the Minister may by regulations authorise the use, either generally or by specified classes of persons or in specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations :

(c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him ;

(d) proceedings for an offence under this subsection shall not be instituted except with the consent of the Minister.

(2) In this section the expression " children's nurse " means a person whose avocation is that of caring for children.

Falsification
of register,
roll or list.

29. A person who wilfully makes, or causes to be made, a falsification in a matter relating to the register, the roll or the list, shall be guilty of a misdemeanour and, on conviction thereof, liable to a fine not exceeding one hundred pounds.

Supplementary

General
rules.

30. The Council may make rules for prescribing anything which by this Act is required or authorised to be prescribed and generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Act into effect.

Power of
Minister to
make
consequential
amendments
of First and
Third
Schedules.

31. Where a direction is given under section eight of this Act with respect to the part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases, the Minister, after consulting the Council, may by the order containing the direction or a subsequent order amend the First and the Third Schedules to this Act to such extent as appears to him requisite or expedient in consequence of the giving of the direction, and where a direction is given under that section with respect to the part of the register containing the names of nurses trained in the nursing of sick children, the Minister, after consulting the Council, may by the order containing the direction or a subsequent order amend the said First Schedule to such extent as appears to him requisite or expedient in consequence of the giving of the direction.

Provisions
as to rules,
orders and
regulations.

32.—(1) Rules made by the Council under this Act shall not come into operation unless and until they are approved by the Minister.

(2) The power conferred on the Minister by this section and any power conferred on him by this Act to make an order or regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power to make an order conferred on the Minister by this Act shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to revoke or vary the order.

33.—(1) In this Act, unless the context otherwise requires, Interpretation. the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“ area nurse-training committee ” means a committee constituted by an order of the Minister under subsection (1) of section eleven of this Act;

“ Board of Governors ”, in relating to a teaching hospital, means a Board of Governors constituted by an order of the Minister under subsection (8) of section eleven of the National Health Service Act, 1946, for the purpose of exercising functions with respect to the administration of that hospital;

“ chief male nurse ” means a male nurse in charge of the male nurses employed in a mental hospital;

“ the Council ” means the General Nursing Council for England and Wales;

“ hospital ” has the same meaning as in the National Health Service Act, 1946;

“ hospital area ” means an area for which a Regional Hospital Board is for the time being constituted under subsection (1) of section eleven of the National Health Service Act, 1946;

“ the list ” means the list of nurses established in pursuance of section eighteen of the Nurses Act, 1943, and maintained in pursuance of subsection (1) of section five of this Act;

“ local education authority ” has the same meaning as in the Education Act, 1944;

“ mental hospital ” means a mental hospital for the purposes of the Lunacy and Mental Treatment Acts, 1890 to 1930;

“ the Minister ” means the Minister of Health;

“ nurse ” means a nurse for the sick, and “ nursing ” shall be construed accordingly;

“ prescribed ” means prescribed by rules made by the Council under this Act;

“ the register ” means the register of nurses established in pursuance of the Nurses Registration Act, 1919, and maintained in pursuance of subsection (1) of section two of this Act, and “ registered ” shall be construed accordingly;

“ registered mental nurse ” means a nurse whose name is included in the part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

“registered sick children’s nurse” means a nurse whose name is included in the part of the register containing the names of nurses trained in the nursing of sick children ;

“the roll” means the roll of assistant nurses established in pursuance of Part I of the Nurses Act, 1943, and maintained in pursuance of subsection (1) of section two of this Act, and “enrolled” shall be construed accordingly ;

“teaching hospital” means a hospital or group of hospitals designated by the Minister as a teaching hospital by an order in force under Part II of the National Health Service Act, 1946 ;

“the training rules” means rules relating to training made by the Council under section three of this Act.

(2) For the purposes of this Act, a teaching hospital which consists of a group of hospitals which are situated in two or more hospital areas shall be deemed to be situated in such one of those areas as the Minister may direct.

(3) References in this Act to the register and the list shall, unless the context otherwise requires, include references respectively to a part of the register and a part of the list.

Repeal and savings.

34.—(1) The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this Act shall affect any order, rule, regulation, nomination or determination made, direction, approval or consent given, resolution passed, specification issued, notice served, or any other thing done, under an enactment repealed by this Act, but any such order, rule, regulation, nomination, determination, direction, approval, consent, resolution, specification, notice or other thing shall, in so far as, at the commencement of this Act, it is in force and could have been made, given, passed, issued, served or done under the corresponding provision of this Act, continue in force and have effect as if it had been so made, given, passed, issued, served or done.

(3) Any document referring to an Act or enactment repealed by this Act shall, unless the context otherwise requires, be construed as referring to this Act or the corresponding enactment therein.

(4) For the purpose of determining the maximum amount of a fine which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by him under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

(5) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

35.—(1) This Act may be cited as the Nurses Act, 1957.

Short title,
extent and
commence-
ment

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

SCHEDULES

Section 1.

FIRST SCHEDULE

THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

Constitution of the Council

1. The Council shall consist of—

- (a) seventeen persons elected as hereinafter mentioned ;
- (b) twelve persons appointed by the Minister ;
- (c) three persons appointed by the Minister of Education ; and
- (d) two persons appointed by the Privy Council, of whom one shall be appointed to represent universities in England and Wales.

2.—(1) Of the elected members of the Council—

- (a) fourteen, who shall be nurses registered in the general part of the register, shall be elected by persons (hereinafter referred to as “the general electors”) who, on the date of the election, are registered elsewhere than in the parts of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases and the names of nurses trained in the nursing of sick children (whether or not they are also registered in either or both of those parts) ;
- (b) two shall be registered mental nurses (of whom one shall be a man and the other a woman) elected by persons who, on the date of the election, are registered mental nurses ; and
- (c) one shall be a registered sick children’s nurse elected by persons who, on the date of the election, are registered sick children’s nurses.

(2) For the purposes of the election of the fourteen nurses mentioned in head (a) of the foregoing sub-paragraph, England and Wales shall be divided into fourteen areas determined by the Minister, one of those nurses shall be elected for each area and each of those nurses shall, on the date of the election, be engaged, in the area for which he is elected, in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.

3. Of the members of the Council appointed by the Minister—

- (a) two shall be registered nurses employed in services provided under Part III of the National Health Service Act, 1946, appointed by him after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of nurses so employed ;

- (b) two shall be persons holding certificates given by virtue of section seventeen of this Act, appointed by him after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of persons engaged in the teaching of nursing ;
- (c) one shall be a male nurse whose name is included in the general part of the register, appointed by him after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of male nurses whose names are so included ;
- (d) one shall be a registered nurse in charge of a ward in a hospital which is an institution approved by the Council for the purposes of the training rules, being a nurse whose name is included in the general part of the register, appointed by him after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of nurses in charge of wards in hospitals ; and
- (e) three shall be persons appearing to him to have had experience of the control and management of hospitals.

1ST SCH.
—cont.

Supplementary Provisions

4. The members of the Council required by the foregoing provisions of this Schedule to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner, and the said scheme may provide that the system in accordance with which the election of the fourteen nurses mentioned in head (a) of sub-paragraph (1) of paragraph 2 of this Schedule shall be conducted shall be either—

- (a) by way of assigning to each of the general electors one vote in respect of each of the areas into which England and Wales is divided under sub-paragraph (2) of that paragraph ; or
- (b) by way of assigning to each of the general electors a single vote in respect of that one of those areas that is determined in accordance with the scheme to be, in his case, the area at the election wherefor of a member of the Council it is appropriate for him to vote.

5. The members of the Council shall hold office for a term of five years.

6.—(1) If the place of a member of the Council becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall, if the member was appointed by the Minister, the Minister of Education or the Privy Council, be filled by a person appointed by the Minister, the Minister of Education or the Privy Council, as the case may be, and in any other case shall be filled by a person appointed by the Council.

(2) A person appointed to fill a vacancy occurring in the place of a member that was originally filled by a nurse elected for one of the areas into which England and Wales is divided under sub-paragraph (2) of paragraph 2 of this Schedule shall be a person who would be qualified for election for that area if an election were to

1ST SCH.
—cont.

take place on the date on which he is appointed, and a person appointed to fill any other vacancy shall, if the place vacant was originally filled by a person required by the foregoing provisions of this Schedule to be a person of a particular class, himself be a person of that class.

(3) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

7. A person ceasing to be a member of the Council shall be eligible for re-appointment or re-election.

8. The Council shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

9. The powers of the Council may be exercised notwithstanding a vacancy in their number.

10. The Council shall make rules for regulating the summoning of meetings of the Council and the proceedings (including quorum) of the Council.

11. The Council may make rules for enabling them to constitute committees and for authorising the delegation to committees constituted by virtue of rules under this paragraph of any of the powers of the Council, and for regulating the proceedings (including quorum) of such committees.

12. The Council may, with the previous sanction of the Minister, appoint a person to act as registrar of the Council, and may, subject to the consent of the Minister as to numbers, employ such other officers as the Council consider necessary.

13. The Council—

(a) may pay to the members thereof sums (to be calculated in accordance with directions to be given by the Minister) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Council ;

(b) shall pay to the registrar and the other officers of the Council such salaries or remuneration as the Council may, with the approval of the Minister, from time to time determine.

14. A member of the Council shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.

15. The Council may enter into such agreements, acquire such property and do such things as may, in the opinion of the Council, be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose as they think fit of any property acquired by them.

16. The seal of the Council shall be authenticated in the prescribed manner and any document purporting to be sealed with the said seal so authenticated shall be receivable in evidence of the particulars stated in that document.

SECOND SCHEDULE

Section 11.

AREA NURSE-TRAINING COMMITTEES

Constitution of Area Nurse-Training Committees

1. The area nurse-training committee for a hospital area shall consist of such number of persons of each of the following classes as may be specified in the order constituting the committee, that is to say,—

- (a) persons appointed by the Regional Hospital Board for the area ;
- (b) persons appointed by Boards of Governors of teaching hospitals situated in the area ;
- (c) persons appointed by the Council ;
- (d) persons appointed by the Central Midwives Board ;
- (e) persons appointed by the Minister after consultation with the local health authorities in the area ;
- (f) persons appointed by the Minister after consultation with the local education authorities in the area ;
- (g) persons appointed by the Minister after consultation with such universities as he thinks fit ;

and the said order may contain provisions with respect to the qualifications of members of the committee.

Supplementary Provisions

2. The Minister may by order make provision—

- (a) with respect to the appointment, tenure of office and vacation of office of the members of the area nurse-training committee for a hospital area ;
- (b) with respect to the appointment of sub-committees of such a committee consisting wholly or partly of the members thereof and the delegation of functions to such sub-committees ;
- (c) for the making by such a committee to the members thereof and to the members of any sub-committee thereof of such payments as may be specified in the order in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the committee or sub-committee, as the case may be ;
- (d) with respect to the keeping of accounts of sums received and expended by such a committee and the making up and audit of those accounts and the times at which and the form in which estimates of their expenditure are to be submitted by them to the Council ; and
- (e) with respect to the procedure (including quorum) of such a committee.

2ND SCH.
—cont.

3. It shall be the duty of the Regional Hospital Board for a hospital area to take, so soon as may be after the constitution of the area nurse-training committee for that area, the requisite steps to convoke the committee for the first meeting thereof.

4.—(1) It shall be the duty of the Regional Hospital Board for a hospital area to provide the area nurse-training committee for that area, on such terms as may, in default of agreement, be determined by the Minister, with the services of such of the officers and servants of the Board and with such office accommodation as the committee may reasonably require.

(2) Without prejudice to the foregoing sub-paragraph, an area nurse-training committee may, with the consent of the Minister, themselves employ officers and servants and may pay officers and servants employed by them such remuneration as they may determine.

(3) Any dispute arising under sub-paragraph (1) of this paragraph as to the reasonableness of any requirement shall be determined by the Minister.

5. The chairman of an area nurse-training committee shall be such one of the members thereof as may be selected by the committee.

6. The powers of an area nurse-training committee may be exercised notwithstanding a vacancy in their number.

7. A member of an area nurse-training committee or a sub-committee of an area nurse-training committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.

Section 18.

THIRD SCHEDULE

THE MENTAL NURSES COMMITTEE

Constitution of the Mental Nurses Committee

1.—(1) The Mental Nurses Committee shall consist of twelve persons, of whom—

- (a) six shall be members of the Council appointed by the Council ;
- (b) two shall be registered mental nurses elected by persons who, on the date of the election, are registered mental nurses ; and
- (c) four shall be appointed by the Minister.

(2) Of the members appointed by the Council, two shall be the registered mental nurses elected to membership thereof by registered mental nurses.

(3) The members appointed by the Minister shall respectively be a matron of a mental hospital which is an institution approved by the Council for the purposes of the training rules, a registered mental nurse engaged in the teaching of the nursing and care of persons suffering from mental diseases, a registered medical practitioner engaged in the teaching of psychiatry and a chief male nurse of such a mental hospital as aforesaid, and the appointment of each of

those persons shall be made by the Minister after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of persons of the class to which the person to be appointed belongs.

Supplementary Provisions

2. The members of the Mental Nurses Committee required by the foregoing provisions of this Schedule to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner.

3. The members of the Mental Nurses Committee shall hold office for a term of five years.

4.—(1) If the place of a member of the Mental Nurses Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall, if the member was appointed by the Minister, be filled by a person appointed by the Minister, and, in any other case, shall be filled by a person appointed by the Council.

(2) Where a vacancy occurs in the place of a member that was originally filled by a registered mental nurse elected to membership of the Council by registered mental nurses, the person appointed to fill the vacancy shall be the person appointed to fill the corresponding vacancy on the Council, and a person appointed to fill any other vacancy shall possess the same qualification as that by virtue whereof the person who originally filled the place vacant was qualified for appointment or election under paragraph 1 of this Schedule.

(3) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

5. A person ceasing to be a member of the Mental Nurses Committee shall be eligible for re-appointment or re-election.

6. The powers of the Mental Nurses Committee may be exercised notwithstanding a vacancy in their number.

7. The chairman of the Mental Nurses Committee shall be such one of the members of the Committee who are members of the Council as may be selected by the Committee.

8. The quorum of the Mental Nurses Committee shall be four.

9. The Mental Nurses Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

10. The Council may pay to the members of the Mental Nurses Committee sums (to be calculated in accordance with directions to be given by the Minister) in respect of any loss of earnings they

3RD SCH.
—cont.

would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not have otherwise been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Mental Nurses Committee.

11. A member of the Mental Nurses Committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.

Section 19.

FOURTH SCHEDULE

THE ASSISTANT NURSES COMMITTEE

Constitution of the Assistant Nurses Committee

1. The Assistant Nurses Committee shall consist of—
 - (a) six persons appointed by the Council from amongst the members thereof, of whom one at least shall not be a registered nurse ; and
 - (b) five representatives of assistant nurses of whom—
 - (i) four shall be such persons, being registered nurses or enrolled assistant nurses, as may be elected by persons enrolled on the date of the election ; and
 - (ii) one shall be a person appointed by the Minister.

Supplementary Provisions

2. The members of the Assistant Nurses Committee required by the foregoing paragraph to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner.

3. The members of the Assistant Nurses Committee shall hold office for a term of five years.

4.—(1) If the place of a member of the Assistant Nurses Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled, if the member was appointed by the Council, by the Council, and, if the member represented assistant nurses, by the Minister.

(2) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

5. A person ceasing to be a member of the Assistant Nurses Committee shall be eligible for re-appointment or re-election.

6. The powers of the Assistant Nurses Committee may be exercised notwithstanding a vacancy in their number.

7. The Chairman of the Assistant Nurses Committee shall be such one of the members thereof, being a member appointed by the Council, as may be selected by the Committee.

8. The quorum of the Assistant Nurses Committee shall be four.

9. The Assistant Nurses Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

4TH SCH.
—cont.

10. The Council may pay to the members of the Assistant Nurses Committee sums (to be calculated in accordance with directions to be given by the Minister) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Assistant Nurses Committee.

11. A member of the Assistant Nurses Committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.

FIFTH SCHEDULE

Section 34.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 94.	The Nurses Registration Act, 1919.	The whole Act.
6 & 7 Geo. 6. c. 17.	The Nurses Act, 1943 ...	Sections one to six. Sections fourteen and fifteen. In section sixteen, subsection (1) and, except so far as it relates to Part II, of that Act, subsection (2). Sections seventeen and eighteen. Section twenty, except so far as it relates to Part II of that Act. In section twenty-one, in subsection (1), the words from "and this Act" to the end. The Schedules.
12 & 13 Geo. 6. c. 73.	The Nurses Act, 1949 ...	The whole Act.

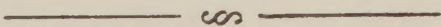


Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Nurses Registration Act, 1919	9 & 10 Geo. 5. c. 94.
Nurses Act, 1943	6 & 7 Geo. 6. c. 17.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Nurses Act, 1949	12, 13 & 14 Geo. 6. c. 73.

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